

## ATTACHMENT - REMARKS

In order to expedite prosecution of the application, claims 6 and 26 have been amended to more clearly define over the prior art. The amendments to the claims are supported, *inter-alia*, by Figs. 3-6, which clearly disclose that the maximum diameter of the valve member is greater than the diameter of the isolation zone. Therefore, no new matter has been added. Amendment of a claim is not to be construed as a dedication to the public of any subject matter.

It is well established that in respect of a novelty objection, the prior art must disclose all the integers of the invention as claimed. ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

It is also well established that the cited references must teach or suggest all the claim limitations. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

With respect, the valve element of Le Clair is not of unitary, one-piece construction with the mounting member. Rather, in Le Clair, the mounting member (body of the nipple 90) is a component independent of the valve element (teat 95). Indeed, so discrete are the mounting member and valve element of Le Clair, that they are manufactured from different materials; the mounting member, presumably, from

steel, and the valve element from rubber (see, *inter alia*, Col. 13, lines 18-22). The Le Clair valve element (teat) is also of non-unitary, non-one-piece construction with the mounting member by virtue of the teat being snap-lockingly engaged in the jaws 142 of the nipple body. Moreover, there is nothing in Le Clair that would motivate the skilled person to form the mounting member (body of the nipple) and valve element (teat) in unitary, one-piece construction. Indeed, modifying Le Clair in such a manner would render Le Clair less desirable, since the relatively low-cost valve element (rubber teat) could not be replaced separately from the relatively high-cost nipple body, with no apparent benefit.

Regardless, amended claims 6 and 26 now additionally define that the maximum transverse diameter of the valve element is greater than the transverse diameter of the isolation zone. In contrast, the transverse diameter of the valve element of Le Clair is clearly less than the transverse diameter of the area identified by the Examiner as being the isolation zone of LeClair. Accordingly, it is respectfully submitted that the amended claims are further distinguished from Le Clair for this additional reason. Moreover, there is nothing in Le Clair that would motivate the skilled person to modify the valve member so as to make its diameter greater than that of the isolation zone. Indeed, modifying Le Clair in such a manner would render Le Clair inoperable, since the Le Clair nipple relies on the tapered portion of the teat being undersized relative to the nipple body to ensure that the tapered portion can open when engaged by the needle-like stem 102.

Applicants further submit that Olsen fails to remedy the deficiencies of Le Clair and, therefore, that the amended claims are also non-obvious over Le Clair in view of Olsen.

Further, as claim 6 is allowable, it is respectfully submitted that claims 7-20 are similarly allowable. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), "if an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious").

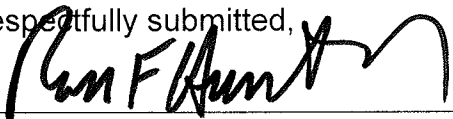
**Conclusion**

Applicants have fully responded to each matter of substance raised in the Office Action and believes that the case is in condition for allowance. Withdrawal of the rejections and allowance of the application is therefore courteously solicited. Should the Examiner have any requests, questions or suggestions, the Examiner is invited to contact Applicants' attorney at the number listed below.

Date: December 31, 2009

Signed By  
Attorney of Record

Respectfully submitted,



Name: Ross F. Hunt, Jr.  
Registration No.: 24082

**STITES & HARBISON PLC** ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314  
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER NO. 881